

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE:	)	Case No. BK 12-41750-TLS
	)	
DIEDERIKE M. FULKERSON,	)	Chapter 7
	)	
Debtor.	)	

**MOTION TO DEPOSIT FUNDS WITH CLERK OF BANKRUPTCY COURT**  
**AND NOTICE OF OBJECTION/RESISTANCE DEADLINE**

COMES NOW Joseph H. Badami, Trustee, moves the court for an order authorizing the Trustee to establish and deposit funds, including any interest earned thereon with the Clerk of the United States Bankruptcy Court for the District of Nebraska, to be held by the Clerk until further order of the court; and further find that such action is consistent with Trustee's fiduciary duties and obligations under Section 345 of the Bankruptcy Code.

In support of this motion, the Trustee states:

1. On August 10, 2012, the Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code. On November 27, 2012 the case was converted to a case under Chapter 7 of the Bankruptcy Code (Filing No. 86) and Joseph H. Badami was appointed Trustee of the Debtor's estate on November 28, 2012. (Filing No. 87).
2. The Trustee claimed as assets of the bankruptcy estate cash from the auction sale held in the Chapter 11 case and cash held in bank accounts (Filing No. 100). On February 12, 2013, the Trustee filed an amended notice of intent to claim certain assets (Filing No. 106).
3. All cash was turned over to the Trustee and the Trustee deposited said funds in Rabobank, N.A., in a Chapter 7 Trustee separate account.

4. Rabobank imposes service charges on the Chapter 7 Trustee funds to the extent the same are determined to constitute property of the estate. The service charges will be based on a percentage of funds on deposit subject to a cap. The funds presently exceed \$500,000.00.
5. The Trustee believes that it is in the best interest of this bankruptcy estate to avoid the service charges.
6. The rights of the parties to the funds remains in dispute and is the subject of pending litigation and it is therefore appropriate for the funds to be held by the Clerk pending resolution of such dispute.
7. On June 9, 2014, the District Court of Douglas County, Nebraska ordered that the Trustee segregate \$77,867.46 of said funds and said amount was deposited in an interest bearing account at First National Bank of Omaha.

WHEREFORE, the Trustee requests that the Court enter an order: (a) allowing him to transfer \$500,000.00, which is deposited in Rabobank and thereafter deposit the funds with the Clerk of the United States Bankruptcy Court for the District of Nebraska, to be held by the Clerk until further order of the court; (b) finding that such action is consistent with the Trustee's fiduciary duties and obligations under Section 345 of the Bankruptcy Code.

Dated: May 18, 2015.

JOSEPH H. BADAMI, TRUSTEE

BY: s/ Joseph H. Badami  
Joseph H. Badami, No. 10155  
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**NOTICE OF OBJECTION/RESISTANCE DEADLINE**

TO: The Debtor, Creditors and Other Interested Parties:

Please take notice that on May 18, 2015, the foregoing *Motion to Deposit Funds with Clerk of Bankruptcy Court and Notice of Objection/Resistance Deadline* (the "Motion") was electronically filed with the United States Bankruptcy Court for the District of Nebraska. Anyone who desires to object or resist said Motion shall have until **June 8, 2015**, to file an objection or resistance with the Clerk of the United States Bankruptcy Court, 460 Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508, and serve a copy on the undersigned. In the event that there is an objection or resistance filed, the Clerk of said Court will set a date and time for hearing on the objection or resistance. If objections or resistances are not filed, the Court will consider the entry of an Order granting the Objection without further notice or opportunity to be heard.

Please take notice that the provisions of Neb. R. Bankr. P. 9013-1 will apply to any objections or resistances that are filed.

s/ Joseph H. Badami  
Joseph H. Badami, Trustee

**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

- |                      |   |
|----------------------|---|
| • Anna M. Bednar     | anna@craiglawpc.com; robert@craiglawpc.com;<br>mj@craiglawpc.com                    |
| • Christian R. Blunk | cblunk@harriskuhn.com; lschroeder@harriskuhn.com;<br>bankruptcyparalegal@icloud.com |
| • Robert F. Craig    | robert@craiglawpc.com; anna@craiglawpc.com;<br>mj@craiglawpc.com                    |
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| • Cory Rooney        | crooney@bqlaw.com; chuynhcao@bqlaw.com  |

And, I hereby certify that I have mailed via First Class United States Mail, sufficient postage prepaid, the foregoing document to all other parties listed on the Debtors' matrix.

s/ Joseph H. Badami  
Joseph H. Badami, No. 10155